

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

**CIVIL MINUTES - GENERAL**

Case No.	CV 08-7446 PSG (CTx)	Date	December 10, 2008
Title	James Cundari v. Wal-mart Stores, Inc.		

Present:	The Honorable Philip S. Gutierrez, United States District Judge
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Wendy K. Hernandez	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

**Proceedings: (In Chambers) REMAND Order**

Defendant removed this action to this Court on November 12, 2008. The Court issued an Order to Show Cause Re: Remand ("OSC") on November 19, 2008. Defendant's response to the OSC is insufficient; in particular, Defendant addressed only one of the relevant *Industrial Tectonics, Inc.* factors. *See* 912 F.2d 1090, 1094 (9th Cir. 1990). Because Defendant has failed to provide adequate evidence establishing that its principal place of business is Arkansas, the Court is unable to conclude that diversity jurisdiction exists. Accordingly, this action is hereby REMANDED.

**IT IS SO ORDERED.**